

App. Serial No.: 10/662,993
Atty. Docket No.: 0003-032P1

REMARKS

These remarks are in response to the Office Action dated August 24, 2004, which has a shortened statutory period for response set to expire November 24, 2004. A one-month extension of time, to expire December 24, 2004 is requested in a petition filed herewith.

Specification

The specification is amended to correct a minor error. In particular, the word "diameter" was inadvertently omitted from the paragraph beginning at Page 10, Line 16. Support for this amendment is provided at least in the same paragraph. No new matter is added.

Claims

Claims 1-31 are pending in the above-identified application. Claims 1-31 are rejected over prior art. Claims 1-10 and 12-31 are amended, and Claims 32-33 are added. Claim 11 is canceled. Reconsideration is requested.

Rejections Under 35 U.S.C. § 112

Claims 20-22 are rejected under 35 U.S.C. § 112, second paragraph. The Examiner writes:

In Claims 20-22, it is unclear where the radius of curvature is between adjacent fluid passages and if there is one, how the radius of curvature can be infinite.

Applicant respectfully traverses.

Applicant asserts Claims 20-22 are clear and definite as written. Claim 20 depends from Claim 19, which depends from Claim 18. Claim 19 recites that "said body defines three fluid passages" and Claim 20 recites that "said body defines a radius of curvature between two adjacent ones of said fluid passages." Therefore, Claim 20 recites an additional structural limitation defining the relationship between the position of the fluid passages and the shape of the body. Claim 20 is clearly supported by Applicant's specification at least in the paragraph beginning at Page 5, Line 23.

Regarding Claims 21 and 22, Applicant notes that radii of curvature are defined by a radius required to generate a circle of a particular arc. Claim 21 recites "each of said fluid

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passages is generally circular" and that "said radius of curvature is greater than 1.5 times the diameter of a largest one of said fluid passages." Accordingly, the arc which the body of Claim 21 would define between adjacent fluid passages would correspond to the arc of a circle having a radius greater than 1.5 times the diameter of the largest one of the fluid passages. Similarly, Claim 22 recites that "said radius of curvature is infinite." It is a mathematical fact that as the radius of curvature approaches infinity, the corresponding arc approaches a straight line. Therefore, the curvature of an infinitely large circle is approximately linear. A body defining an infinite radius of curvature is clearly supported by the specification at least in the paragraph beginning at Page 6, Line 12.

For the above reasons, Applicant respectfully asserts that Claims 20-22 are clear and definite as written. If the Examiner still believes that Claims 20-22 are indefinite, the Examiner is invited to suggest acceptable alternative language. Indeed, Applicant welcomes and appreciates any suggestions from the Examiner on this or any other issue.

For the above reasons Applicant requests reconsideration and withdrawal of the rejections under 35 U.S.C. § 112.

Prior Art Rejections

Claims 1 and 16-17 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Sisk (USPN 5,387,015). Claims 1-4, 7-11, 13-16, 18-23, and 26-31 are rejected under 35 U.S.C. § 102 (b) as being anticipated by Turpin et al. (USPN 2,457,418). Claims 5-6, and 24-25 are rejected under 35 U.S.C. § 103 as being unpatentable over Turpin et al. in view of Lundstrom (USPN 6,065,784). In addition, Claim 12 is rejected under 35 U.S.C. § 103 as being unpatentable over Turpin et al..

Applicant respectfully requests reconsideration in view of the amendments made herein.

None of the cited references, either alone or in combination, disclose all of the limitations of the amended claims. In particular, all of the pending claims are amended to be limited to a winery piping system. Similarly, new Claims 32-33 are directed to a method for connecting pipes in a winery piping system.

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Turpin et al. do not disclose a fitting for use in a winery piping system. Instead, Turpin et al. disclose a "clean-out Y" for use in sewer systems. Turpin et al. do not suggest that the clean-out Y 5 could be used as a tee fitting in a winery piping system. Applicant respectfully avers that Turpin et al. do not teach that the socket 10 is even a fluid passage. Instead, the socket 10 receives the lower end of the pipe 3. The pipe 3 provides access for a worker to remove clogs in the sewer line 1-2 by passing a clean-out cable or wire through the socket 10. See, e.g., the cited reference at Column 2, Lines 10-36. In addition, it is readily evident that fluid is not meant to be communicated through the socket 10 and the pipe 3 because the pipe 3 is capped by the plug 4.

Sisk also does not teach or suggest a fitting for use in a winery piping system. Instead, Sisk discloses a cast hopper tee that is attached to the bottom of a hopper truck for the removal of bulk material. Further, although Applicant's wine must tee could be used with flow occurring in either direction, it is particularly beneficial when the wine product flows from the run tube to the branch tube, as claimed for example in dependent Claims 4, 8, and 33.

For the foregoing reasons, Applicant believes Claims 1-10 and 12-33 are in condition for allowance. Should the Examiner undertake any action other than allowance of Claims 1-10 and 12-33, or if the Examiner has any questions or suggestions for expediting the prosecution of this application, the Examiner is requested to contact Applicant's attorney at (269) 279-8820.

Respectfully submitted,

Date: 12/23/04

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CERTIFICATE OF FACSIMILE TRANSMISSION (37 CFR 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted via facsimile, on the date shown below, to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, at (703) 872-9306.

Date: 12/23/04

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